

021004

13281 U.S. PTO

Sughrue

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

T 202.293.7060

F 202.293.7860

www.sughrue.com

Susan J. Mack, Esq.

T (202) 663-7943

smack@sughrue.com

February 10, 2004

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

22857 U.S. PTO
10/774378

021004

Re: Application of Hideaki TADA, Mikio KONISHI and Daikichi FUKUSHIMA
Title: "NOVEL POLYPEPTIDES, DNAS ENCODING THE SAME AND
USE THEREOF"
Assignee: **ONO PHARMACEUTICAL CO., LTD.**
Our Ref: Q79834

Dear Sir:

This is a request for filing a Continuation Application under 37 C.F.R. § 1.53(b) of pending prior Continuation Application Under 37 C.F.R. § 1.53(d) (Confirmation No. 2406) filed May 19, 2003, of Hideaki TADA, Mikio KONISHI and Daikichi FUKUSHIMA, entitled "NOVEL POLYPEPTIDES, DNAS ENCODING THE SAME AND USE THEREOF", which is a Continued Prosecution Application (CPA) of Application No. 09/380,276, filed August 27, 1999, which is a National Stage Application filed under §371 of PCT Application No. PCT/JP98/00799, filed February 26, 1998.

This application is being filed under 37 C.F.R. § 1.53(b). Enclosed is a specification, including the claims and abstract, one (1) sheet of drawings, and a copy of the Declaration as filed in the prior application, 09/380,276. Also, enclosed are (1) a copy of the Assignment, (2) a Preliminary Amendment, (3) an Information Disclosure Statement accompanied with a PTO/SB/08 A & B (modified) listing references cited by applicant and/or the examiner during prosecution of the prior application, and (4) a Request to Use Computer-Readable Form of Sequence Listing Submitted in a Co-Pending Patent Application in Accordance with 37 C.F.R. § 1.182(e).

The Assignment was recorded during prosecution of the prior application, 09/380,276, at Reel 010362, Frame 0356, on August 27, 1999.

The prior application is assigned Examiner Eileen B. Ohara in Group Art Unit 1646.

This is a Continuation Application under 37 C.F.R. § 1.53(b) of Continuation Application Under 37 C.F.R. § 1.53(d) filed May 19, 2003, which is a Continued Prosecution Application (CPA) of Application No. 09/380,276, filed August 27, 1999, which is a National Stage Application filed under §371 of PCT Application No. PCT/JP98/00799, filed February 26, 1998; the above noted prior applications are all hereby incorporated by reference.

Priority is claimed from:



Commissioner for Patents
Page 2

February 10, 2004

Priority is claimed from:

<u>Country</u>	<u>Application No</u>	<u>Filing Date</u>
Japan	P. Hei. 9-43143	February 27, 1997

The priority document was filed in the prior Application No. 09/380,276.

The Government filing fee is calculated as follows:

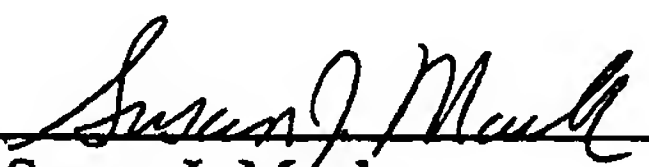
Total claims	<u>24</u> - 20	=	<u>4</u> x	\$18.00	=	<u>\$72.00</u>
Independent claims	<u>5</u> - 3	=	<u>2</u> x	\$86.00	=	<u>\$172.00</u>
Base Fee						<u>\$770.00</u>
Multiple Dependent Claim Fee						<u>\$290.00</u>
TOTAL FILING FEE						<u>\$1304.00</u>

The USPTO is directed and authorized to charge the statutory fee of \$1304.00 to Deposit Account No. 19-4880. The USPTO is further directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

A Petition and payment for an extension of time is being filed concurrently herewith in Application No. 09/380,276. The application is timely filed.

Respectfully submitted,

SUGHRUE MION, PLLC
Attorneys for Applicant

By 
Susan J. Mack
Registration No. 30,951

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373
CUSTOMER NUMBER

DECLARATION AND POWER OF A TORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Novel polypeptides, DNAs encoding the polypeptides,
and Utility of the polypeptides**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on February 26, 1998 as United States Application Number or PCT International Application Number PCT/JP98/00799 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which is material to the patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

P. Hei. 9-43143

(Number)

Japan

(Country)

27/February/1997

(Day/Month/Year Filed)

Priority Not Claimed

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefits under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

I hereby claim the benefits under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Oloxy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Scott M. Daniels, Reg. No. 32,562; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765 and Robert M. Masters, Reg. No. 35,603; my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date Aug 10. 1999

First Inventor Hideaki

TADA

First Name

Last Name

Residence Osaka,

Signature Hideaki

Tada

Japan

Post Office Address c/o Minase Research Institute, ONO Pharmaceutical Co., Ltd., 1-1, Sakurai 3-chome, Shimamoto-cho, Mishima-gun, OSAKA 618-8585 JAPAN

Citizenship Japan

Date Aug 10. 1999

Second Inventor Mikio

KONISHI

First Name

Last Name

Residence Osaka,

Signature Mikio

Konishi

Japan

Post Office Address c/o Minase Research Institute, ONO Pharmaceutical Co., Ltd., 1-1, Sakurai 3-chome, Shimamoto-cho, Mishima-gun, OSAKA 618-8585 JAPAN

Citizenship Japan

BEST AVAILABLE COPY

Date Aug. 6, 1999

Third Inventor

Daikichi

FUKUSHIMA

First Name

Last Name

Residence Osaka,

Signature

Daikichi

Fukushima

Japan

Post Office Address c/o Minase Research Institute, ONO Pharmaceutical
Co., Ltd., 1-1, Sakurai 3-chome, Shimamoto-cho,
Mishima-gun, OSAKA 618-8585 JAPAN

Citizenship Japan

Date

Fourth Inventor

First Name

Last Name

Residence

Signature

Post Office Address

Citizenship

Date

Fifth Inventor

First Name

Last Name

Residence

Signature

Post Office Address

Citizenship

Date

Sixth Inventor

First Name

Last Name

Residence

Signature

Post Office Address

Citizenship

Date

Seventh Inventor

First Name

Last Name

Residence

Signature

Post Office Address

Citizenship

Date

Eighth Inventor

First Name

Last Name

Residence

Signature

Post Office Address

Citizenship

(Supply similar information for ninth and subsequent joint inventors.)